

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

OPAL HARGER, *et al.*,

Plaintiffs,

V.

U.S. DEPARTMENT OF LABOR,
and THE NATIONAL INSTITUTE
OF OCCUPATIONAL SAFETY
AND HEALTH.

Defendants.

NO. CV-06-5071-RHW

**ORDER GRANTING
PLAINTIFF'S MOTIONS FOR
JOINDER AND FOR
SUBSTITUTION**

Before the Court are Plaintiff's Motion for Joinder (Ct. Rec. 84) and Motion for Substitution of Party (Ct. Rec. 90). The motions were heard without oral argument. Plaintiff asks this Court to join Donna Caputo, a surviving daughter of former Hanford worker, Dannie Mundy, to her claim. Ms. Caputo's claim presents the same legal and factual questions that were prevalent in Plaintiff's previously granted motions for joinder. (Ct. Recs. 34, 43, 61, & 83). Therefore, Plaintiff's Motion for Joinder is granted.

Additionally, Plaintiff requests the Court permit substitution of Deborah Watters Graber for Plaintiff Edith Watters. Edith Watters is deceased, and Ms. Graber is the successor to all rights vested in her before her death. Federal Rule of Civil Procedure 25 permits the Court to substitute proper parties upon the death of a party. Fed. R. Civ. P. 25(a).

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**ORDER GRANTING PLAINTIFF'S MOTIONS FOR JOINDER AND FOR
SUBSTITUTION * 1**

Accordingly, IT IS HEREBY ORDERED:

1. Plaintiff's Motion for Joinder (Ct. Rec. 84) is **GRANTED**.
2. Plaintiff's Motion for Substitution of Party (Ct. Rec. 90) is

GRANTED.

IT IS SO ORDERED. The District Court Executive is directed to enter this Order and to provide copies to counsel.

DATED the 22nd day of October, 2007.

s/ Robert H. Whaley

ROBERT H. WHALEY
Chief United States District Judge

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**ORDER GRANTING PLAINTIFF'S MOTIONS FOR JOINDER AND FOR
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